

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

A. Status of the Claims / Explanation of Amendments

By this paper, the title is amended. This amendment is believed to resolve the objections of the August 7, 2007 Office Action at page 2. Applicant notes, however, that the title has been amended to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure and to aid indexing, classifying and searching. 37 C.F.R. § 1.72(b); MPEP § 606.01. This amendment is *not* intended to narrow, limit, alter or otherwise characterize what Applicant regards as the invention. It is, of course, the claims and not the title that defines the invention being claimed.

The office action rejected claims 5-7 and 19-20 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention; claims 1-15, 18, and 20-21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicants Admitted Prior Art in view of U.S. Patent No. 6,031,999 to Ogawa ("Ogawa"); and claims 16-17 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicants Admitted Prior Art in view of Ogawa and in further view of Examiners Official Notice. [08/7/2007 Office Action at 2-3 and 24].

Claims 1-21 are pending. By this paper, claims 20 and 21 are amended and claims 1-19 are canceled without prejudice or disclaimer. Claim 20 has been amended to recite, *inter alia*, “a cleaning operation allowing unit” instead of “unit”, “a cleaning operation for removing” instead of “removal of”, “a termination unit” instead of “unit”, and a termination unit configured to move down the mirror “in order to forcefully terminate the cleaning operation.” Claim 21 is similarly amended. The amendments to claim 20 are believed to overcome the rejection to claim 20 under 35 U.S.C. §112. Support for these amendments may be found throughout the application as originally filed. No new matter will be added to this application by entry of these amendments. Accordingly, Applicant respectfully requests entry of these amendments.

B. Claims 20 and 21 Are Patentably Distinct From Applicants Admitted Prior Art Alone Or In Combination With Ogawa

The rejection of claim 20 is respectfully traversed. As explained more fully below, the requirements for such a rejection are not met since the cited references fail to teach, disclose, or suggest “a termination unit configured to move down the mirror using said mirror controller in order to forcefully terminate the cleaning operation, in a case where the output voltage detected by said voltage detector declines to a second predetermined value or less, which is a smaller value than the first predetermined value, during execution of the cleaning mode.” Specifically, Applicant’s claim 20 recites:

“20. A single lens reflex image sensing apparatus for capturing an image of object by an image sensing element, comprising:

a battery for supplying electric power;

an operation unit configured to designate a cleaning mode to remove a foreign substance in a neighborhood of or on a photoreceptive surface of the image sensing element;

a voltage detector configured to detect an output voltage of said battery;

a mirror controller configured to move up/down a mirror;

a cleaning operation allowing unit configured to allow a cleaning operation for removing the foreign substance by moving up the mirror by said mirror controller in accordance with designation from said operation unit, in a case where the output voltage detected by said voltage detector is a first predetermined value or more;

a warning unit configured to issue a warning in a case where the output voltage detected by said voltage detector declines to the first predetermined value or less during the cleaning mode; and

a termination unit configured to move down the mirror using said mirror controller in order to forcefully terminate the cleaning operation, in a case where the output voltage detected by said voltage detector declines to a second predetermined value or less, which is a smaller value than the first predetermined value, during execution of the cleaning mode.”

One of the aspects of the present invention is directed to preventing the shutter from being damaged by the functioning of the termination unit as specifically recited in claim 20 as amended.

The description of the related Art in the specification of the present patent application describes that a cleaning mode is designated using an operation unit and a mirror and front and rear curtains are moved up during cleaning operation. The related Art does not teach the inventive aspect of amended claim 20 as discussed above, e.g.,

how to prevent the shutter from being damaged with the specifics of the termination unit as recited in amended claim 20.

The Office Action admits that the related Art does not teach the battery, voltage detector, cleaning operation allowing unit, warning unit, or the termination unit in amended claim 20. [8/7/07 Office Action at p. 20]. For these elements, the Office Action cites Ogawa.

The Office Action asserts that Ogawa's battery (9) corresponds to the "battery" recited in Applicant's claim 20, detection of battery voltage (S101) corresponds to the "voltage detector" recited in Applicant's claim 20, and setting prohibiting flags based on the battery power level corresponds to the "warning unit" recited in Applicant's claim 20. [8/7/07 Office Action at pp. 21-22].

Ogawa discloses a camera having multiple battery check levels. The camera prohibits an operation of a motion compensation device (22), an autofocus device (21), a flash device (6) or all devices including a shutter device (12) in accordance with the detected battery levels. [Ogawa, figs. 2-3]. In other words, Ogawa only discloses selecting an operation being operable at each battery level. Ogawa does not teach a warning unit configured to issue a warning during the cleaning mode or a termination unit configured to move down the mirror using said mirror controller in order to forcefully terminate the cleaning operation during execution of the cleaning mode as recited in Applicant's amended claim 20.

Accordingly, independent claim 20 is respectfully asserted to be patentably distinct from the cited references (i.e., related Art and Ogawa), either taken alone or in combination. For at least similar reasons, independent method claim 21 is also believed to be in condition for allowance.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5300.

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